

05/24/01

05-25-01

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PTO/SB/05 (11-00)

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Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	28122.89
First Inventor	Gregory Murphy
Title	VENTRICULAR RESTORATION SHAPING APPARATUS AND METHOD OF USE
Express Mail Label No.	EL828064127US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **30**]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **17**]
5. ☐ Oath or Declaration [Total Pages **1**]
  - a. ☐ Newly executed (original or copy)
  - b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9. ☐ Assignment Papers (cover sheet & document(s)).
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: **Express Mail Certificate**

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No.: \_\_\_\_\_

Prior application information:

Examiner: \_\_\_\_\_

Group Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or

☒ Correspondence address below

Name

David L. McCombs

Address

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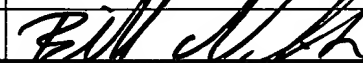
Name (Print/Type)

Bill R. Naifeh

Registration No. (Attorney/Agent)

44,962

Signature



Date

5/24/01

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**FEE TRANSMITTAL**  
**for FY 2001**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT** (\$)**427.00****Complete if Known**

Application Number	N/A
Filing Date	Herewith
First Named Inventor	Gregory Murphy
Examiner Name	n/a
Group Art Unit	n/a
Attorney Docket No.	28122.89

**METHOD OF PAYMENT**

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number	08-1394
Deposit Account Name	Haynes and Boone, L.L.P.

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17☒ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:**

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility filing fee	355.00
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

**SUBTOTAL (1)** (\$)**355.00****2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
28	-20** = 8.00	9	72.00
3	-3** = 0.00	0	0.00
Multiple Dependent			0.00

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$)**72.00**

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**0.00****SUBMITTED BY**

Name (Print/Type)	Bill R. Naifeh	Registration No. (Attorney/Agent)	44,962	Telephone	(214) 651-5706
Signature	<i>Bill R. Naifeh</i>	Date	5/24/01		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Murphy et al.

§  
§  
§  
§  
§  
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§  
§  
§

Docket Number:  
28122.89

Serial No.: N/A

Filed: Herewith

Group Art Unit: Unknown

For: VENTRICULAR RESTORATION SHAPING  
APPARATUS AND METHOD OF USE

Examiner: Unknown

Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

Express Mail Number: EL828064127US

Date of Deposit: May 24, 2001

I hereby certify that the following attached papers and fee:

1. Utility Patent Application Transmittal Sheet (in duplicate);
2. Fee Transmittal Sheet (in duplicate)
3. Patent Application consisting of: 30 pages of Specification, 28 Claims, 1 page of Abstract;
4. 17 informal drawing sheets;
5. A check in the amount of \$427.00 for filing fees;
6. Request and Certification under 35 U.S.C. 122(b)(2)(B)(i); and
7. Return Postcard.

are being deposited with United States Postal Service "Express Mail Post Office to Addressee" to the  
Commissioner for Patents, Box Patent Application, Washington, D. C. 20231.

Fran Ideker

Typed or Printed Name

*Fran Ideker*

Signature

D-898839.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Murphy et al.	§	Docket No.:	28122.89
		§		
Serial No.:	n/a	§	Examiner:	n/a
		§		
Filing Date:	Herewith	§	Art Unit:	n/a
		§		
For:	VENTRICULAR RESTORATION	§		
	SHAPING APPARATUS AND METHOD	§		
	OF USE	§		

Commissioner of the U.S. Patent  
and Trademark Office  
Box: Patent Application  
Washington, D.C. 20231

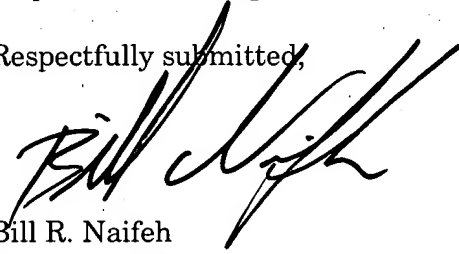
Dear Sir:

**REQUEST FOR NON-PUBLICATION OF PATENT APPLICATION**

Applicant hereby request non-publication at eighteen months from the filing date for the above-identified patent application as required in 35 U.S.C. § 122(b).

Bill R. Naifeh hereby certifies that the invention disclosed in the attached application, entitled VENTRICULAR RESTORATION SHAPING APPARATUS AND METHOD OF USE has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

Respectfully submitted,

  
Bill R. Naifeh  
Reg. No. 44,962

HAYNES AND BOONE, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202-3789  
Telephone: 214-651-5706  
Facsimile: 214-651-5940  
Attorney Docket No. 28122.89  
D-899063.1

#6

<b>REQUEST TO RESCIND PREVIOUS NONPUBLICATION REQUEST 35 U.S.C. 122(b)(2)(B)(ii)</b>	Application Number	09/864,510
	Filing Date	05/24/2001
	First Named Inventor	Murphy et al.
	Title	Ventricular Restoration Shaping Apparatus and Method of Use
	Atty Docket Number	28122.89
	Group Art Unit	3738
	Examiner	Unknown

I hereby **rescind** the previous request that the above-identified application not be published under 35 U.S.C. 122(b).

5/21/02  
Date

Haynes and Boone, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202  
Phone: 214-651-5706  
Fax: 214-651-5940

**RECEIVED  
USPTO-PG PUBS  
JUN 11 2002**

[Signature]  
Signature

Bill R. Naifeh, Reg. No. 44,962

Typed or printed name  
**PROCESSED BY  
PG PUB DIVISION**

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JUN 13 2002  
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This request must be signed in compliance with 37 CFR 1.33(b).

Note: Filing this rescission of a previous nonpublication request is considered the notice of a subsequent foreign or International filing required by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) if this rescission is filed no later than forty-five days (45) days after the date of filing of such foreign or international application. See 37 CFR 1.137(f) if a notice of subsequent foreign or International filing required by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is **not** filed within forty-five days (45) days after the date of filing of the foreign or international application.

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box PG Pub, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type) Tracy E. Giroux

Signature Tracy E. Giroux

Date 5-21-02

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